

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY HANDY, JR.,

Plaintiff,

v.

LEELONI PALMIERO, et al.,

Defendants.

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**Civil Action
No. 17-3107**

**DEFENDANTS' ANSWER, WITH AFFIRMATIVE DEFENSES, TO PLAINTIFF'S
AMENDED COMPLAINT**

Defendants, Leeloni Palmiero, Sergeant Baldomero, Detective Hagy, Detective Horger and Detective Sullivan ("Answering Defendants"), hereby file their Answer, with Affirmative Defenses, to Plaintiff's Amended Complaint and avers as follows:

ANSWER

INTRODUCTION

1. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

JURISDICTION AND VENUE

2. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

3. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

PARTIES

4. The allegations as to Plaintiff's residence and citizenship pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
5. Admitted only that Leeloni Palmiero was employed in the Philadelphia Police Department at all relevant times. The remaining allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
6. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
7. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
8. Admitted only that Urbirajara Baldomero was employed in the Philadelphia Police Department at all relevant times. The remaining allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

9. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
10. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
11. Admitted only that Detective Hagy was employed in the Philadelphia Police Department at all relevant times. The remaining allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
12. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
13. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
14. Admitted only that Detective Horger was employed in the Philadelphia Police Department at all relevant times. The remaining allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
15. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

16. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
17. Admitted only that Detective Sullivan was employed in the Philadelphia Police Department at all relevant times. The remaining allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
18. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
19. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
20. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
21. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
22. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, the City has been dismissed from this case.

23. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, Richard Ross has been dismissed from this case.
24. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, Richard Ross has been dismissed from this case.
25. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, Richard Ross has been dismissed from this case.
26. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, Richard Ross has been dismissed from this case.
27. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, Richard Ross has been dismissed from this case.
28. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore,

require no response. To the extent a response is required, denied. Furthermore, the City and Richard Ross have been dismissed from this case.

29. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, the City and Richard Ross have been dismissed from this case.

30. The allegations in this paragraph pertain to parties other than the Answering Defendants and constitute conclusions of law and /or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied. Furthermore, the City and Richard Ross have been dismissed from this case.

STATEMENT OF FACTS

31. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

32. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. All allegations are therefore denied.

33. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

34. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

35. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
36. Denied.
37. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
38. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
39. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
40. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
41. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
42. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
43. Admitted, based upon information and belief.

44. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
45. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
46. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
47. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
48. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
49. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
50. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

51. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
52. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
53. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
54. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
55. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
56. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
57. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

58. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
59. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
60. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
61. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
62. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
63. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
64. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

65. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
66. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
67. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
68. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
69. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
70. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
71. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

A. The Investigatory and Disciplinary Process Employed By Internal Affairs

72. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
73. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
74. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
75. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
76. (a)-(f) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
77. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
78. (a)-(e) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

79. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
80. (a)-(e) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
81. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
82. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
83. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
84. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
85. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

86. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
87. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
88. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
89. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
90. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
91. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

V. CLAIMS FOR RELIEF

COUNT I

Violation of 42 U.S.C. § 1983 – Racial Discrimination in Violation of the Equal Protection Clause of the Fourteenth Amendment and 42 U.S.C. § 1983 (Against All Defendants)

92. Answering Defendants incorporate by reference paragraphs 1 through 91, inclusive, as though fully set forth herein.

93. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
94. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
95. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
96. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
97. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
98. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
99. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
100. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
101. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
102. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
103. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

104. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
105. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
106. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
107. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
108. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
109. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
110. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
111. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
112. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
113. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
114. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

- 115. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 116. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 117. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 118. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT II

Violation of 42 U.S.C. § 1985, 1986 – Racial Discrimination in Violation of the Equal Protection Clause of the Fourteenth Amendment (Against All Defendants)

- 119. Answering Defendants incorporate by reference paragraphs 1 through 118, inclusive, as though fully set forth herein
- 120. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 121. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 122. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 123. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
- 124. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

125. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
126. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
127. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
128. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
129. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
130. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
131. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
132. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
133. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
134. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
135. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

136. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
137. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
138. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT III

**Violation of 42 U.S.C. § 1983 – Retaliation in Violation of the First Amendment
(Against All Defendants)**

139. Answering Defendants incorporate by reference paragraphs 1 through 138, inclusive, as though fully set forth herein
140. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
141. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
142. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
143. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
144. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
145. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

146. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
147. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
148. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
149. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
150. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
151. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
152. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
153. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
154. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
155. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
156. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

157. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
158. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
159. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
160. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
161. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
162. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
163. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
164. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
165. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
166. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
167. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

168. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT IV

**Violation of 42 U.S.C. § 1983 – Defamation In Violation of the Fourteenth Amendment
(Against All Defendants)**

169. Answering Defendants incorporate by reference paragraphs 1 through 168, inclusive, as though fully set forth herein
170. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
171. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
172. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
173. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
174. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
175. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
176. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
177. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

178. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
179. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT V

**Violation of 42 U.S.C. § 1983 – Unlawful Search and Seizure in Violation of The Fourth and Fourteenth Amendments and 42 U.S.C. § 1981
(Against All Defendants)**

180. Answering Defendants incorporate by reference paragraphs 1 through 179, inclusive, as though fully set forth herein
181. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
182. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
183. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
184. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's §

1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

185. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

186. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

187. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

188. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

189. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

190. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
191. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
192. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
193. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.
194. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, Plaintiff's § 1981 claim was dismissed by the Court and thus no responsive pleading is required to that claim. To the extent a response is required, denied.

COUNT VI

**Violation of 42 U.S.C. § 1983 – Deliberately-indifferent Policies, Practices, Customs, Training, and Supervision in Violation of the Fourth, Fourteenth, and First Amendments and in violation of 42 U.S.C. § 1981
(Against City and Count of Philadelphia and Defendant Ross only)**

195. Answering Defendants incorporate by reference paragraphs 1 through 194, inclusive, as though fully set forth herein
196. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
197. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
198. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
199. (a)-(e) These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
200. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
201. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
202. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
203. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
204. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
205. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

206. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
207. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
208. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
209. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
210. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
211. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
212. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
213. These claims were dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT VII
Defamation
(Against All Defendants)

214. Answering Defendants incorporate by reference paragraphs 1 through 213, inclusive, as though fully set forth herein
215. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

216. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
217. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
218. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
219. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
220. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
221. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
222. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

223. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

224. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

COUNT VII
Libel
(Against All Defendants)

225. Answering Defendants incorporate by reference paragraphs 1 through 224, inclusive, as though fully set forth herein

226. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

227. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

228. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

229. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

230. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
231. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
232. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
233. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
234. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
235. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

COUNT VIII
Slander
(Against All Defendants)

236. Answering Defendants incorporate by reference paragraphs 1 through 235, inclusive, as though fully set forth herein

237. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
238. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
239. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
240. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
241. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
242. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
243. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

244. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
245. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.
246. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. Further, the statute of limitations bars Plaintiff's claim. To the extent a response is required, denied.

COUNT IX
Intentional Infliction of Emotional Distress
(Against All Defendants)

247. Answering Defendants incorporate by reference paragraphs 1 through 246, inclusive, as though fully set forth herein
248. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
249. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
250. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
251. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.
252. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

253. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

COUNT X
Conspiracy
(Against All Individual Defendants)

254. Answering Defendants incorporate by reference paragraphs 1 through 253, inclusive, as though fully set forth herein

255. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

256. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

257. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

258. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

259. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

260. This claim was dismissed by the Court and thus no responsive pleading is required. To the extent a response is required, denied.

WHEREFORE, the Answering Defendants deny that they are liable on the causes of action declared herein and demand judgment in their favor, plus interest and costs.

JURY DEMAND

Answering Defendants demand a jury trial in this action.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim against Answering Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Answering Defendants assert all of the defenses, immunities, and limitations of damages available to them under the “Political Subdivision Tort Claims Act” and aver that Plaintiff’s remedies are limited exclusively thereto. Act of Oct 5, 1980, No. 142, P.L. 693, 42 Pa. C.S.A. § 8541 et seq.

THIRD AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the doctrine of qualified immunity because, at all times material hereto, Answering Defendants were carrying out their duties in a proper and lawful manner, and in the exercise of good faith.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the statute of limitations in Pennsylvania for defamation, libel and slander.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred, in whole or in part, insofar as Answering Defendants' purported actions or omissions were not the proximate cause of any alleged injury, loss, or damage incurred by the plaintiff.

SIXTH AFFIRMATIVE DEFENSE

At all times material to this civil action, Answering Defendants have acted in a reasonable, proper, and lawful manner.

WHEREFORE, Answering Defendants deny that they are liable to Plaintiff, either jointly or severally and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending this action.

Date: July 2, 2019

Respectfully submitted,

/s/ Shannon Zabel
Shannon Zabel
Assistant City Solicitor
Attorney Identification No. 321222
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY HANDY, JR.,

Plaintiff,

v.

LEELONI PALMIERO, et al.,

Defendants.

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**Civil Action
No. 17-3107**

CERTIFICATE OF SERVICE

I hereby certify that on the date below, Defendants, Leeloni Palmiero, Sergeant Baldomero, Detective Hagy, Detective Horger and Detective Sullivan's Answer, with Affirmative Defenses, to Plaintiff's Amended Complaint was filed via the Court's electronic filing system and is available for downloading.

Date: July 2, 2019

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel

Assistant City Solicitor

Pa. Attorney ID No. 321222

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